



Department of Planning, Housing, & Community Development

Mayor, Richard C. David
Director, Dr. Juliet Berling

STAFF REPORT

TO: Planning Commission Members
FROM: Planning Staff
DATE: May 11, 2015
SUBJECT: 21 Chenango Street
TM ID #: 160.41-1-13.1
CASE: 2015-19
COPIES: B. Seachrist, T. Costello, L. Webb (District 4), Applicant, File

A. REVIEW REQUESTED

In June of 2013, the Planning Commission approved an application for Series A Site Plan / Special Use Permit Review to convert the upper 2 stories of a 3 story building to residential use (Multi-Unit Dwelling). The ground floor would remain as ~7,072 square feet of rentable commercial space (use TBD; space is currently vacant).

The applicant initially intended to construct 15 bedrooms per floor, configured in 8 dwelling units (one studio, one 1BR, five 2BR, one 3BR), utilizing the same floorplan on each floor (2nd and 3rd). The total proposed number of units/bedrooms for the project was 16 units, 30 bedrooms.

The current applicant is seeking to modify the plan, changing the configuration to: 6 units on the second floor (three 2BR, three 3BR); and 7 units on the 3rd floor (one 1BR, three 2BR, three 3BR). The total proposed number of units and bedrooms for the newly proposed project is 13 units and 37 bedrooms. All other elements of the original plans have remained unchanged.

The proposed changes constitute a significant enough change as to require Site Plan Modification Review. In addition, the June 2013 approval issued by the Planning Commission has since expired.

B. ADDITIONAL REVIEWS

239-m Review is required for this project due to its proximity to Broome County-owned properties; the application has been forwarded to Broome County Planning & Economic Development for distribution.

The subject structure is located within the Court Street Historic District. The proposed project, however does not include any exterior modifications and therefore does not require design review by the Commission on Architecture and Urban Design (CAUD).

C. STANDARDS FOR APPROVAL OF SITE PLANS AND SPECIAL USE PERMITS

Listed below are the *Standards for approval of site plans* found in Article IX of the Zoning Ordinance. In reviewing a Series A Site Plan application, the Planning Commission is guided by the existing characteristics and conditions of the site, its surroundings, and the particular requirements of the Applicant. Elements of concern include, but are not limited to the following:

- Movement of vehicles and people
- Public safety
- Off-street parking and service
- Lot size, density, setbacks, building size, coverage and height
- Landscaping, site drainage, buffering, views or visual character
- Signs, site lighting
- Operational characteristics
- Architectural features, materials and colors
- Compatibility with general character of neighborhood
- Other considerations that may reasonably be related to health, safety, and general welfare

In addition, the general requirements for Special Use Permit approvals, described in Section 410-40 must be complied with. These requirements are as follows:

1. That the land use or activity is designed, located, and operated so as to protect the public health, safety, and welfare.
2. That the land use or activity will encourage and promote a suitable and safe environment for the surrounding neighborhood and will not cause substantial injury to the value of other property in the neighborhood.
3. That the land use or activity will be compatible with existing adjoining development and will not adversely change the established character or appearance of the neighborhood.
4. That effective landscaping and buffering is provided as may be required by the Planning Commission. To this end, parking areas and lot areas not used for structures or access drives shall be improved with grass, shrubs, trees, and other forms of landscaping, the location and species of which shall be specified on the site plan.
5. That a site plan shall be approved in accordance with applicable provisions of Article IX of the Zoning Ordinance.
6. That adequate off-street parking and loading are provided in accordance with Article X of the Zoning Ordinance or other requirements as may be set forth in Section 806, and egress and ingress to parking and loading areas are so designed as to minimize the number of curb cuts and not unduly interfere with traffic or abutting streets.
7. That site development shall be such as to minimize erosion and shall not produce increased surface water runoff onto abutting properties.
8. That existing public streets and utilities servicing the project shall be determined to be adequate.
9. That significant existing vegetation shall be preserved to the extent practicable.
10. That adequate lighting of the site and parking areas is provided and that exterior lighting sources are designed and located so as to produce minimal glare on adjacent streets and properties.
11. That the land use or activity conforms with all applicable regulations governing the zoning district where it is to be located, and with performance standards set forth in Section 503 of the Zoning Ordinance, except as such regulations and performance standards may be modified by the Planning Commission or by the specific provisions of Section 806. Notwithstanding the above, the Planning Commission shall not be authorized to modify the land use regulations of the Zoning Ordinance.

D. SITE REVIEW

The subject property is located on the western side of Chenango Street, approximately 200 feet north of the intersection of Chenango Street and Court Street. The subject structure, known as ‘the Kilmer Office Building’ and originally constructed in 1910, is a three-story, steel-frame, Neo-Classical building. A pedestrian walkway (known as “Press Alley”) abuts the property to the south, running east/west between Chenango Street and Commercial Alley, along the entire southern property line; the western structure façade is improved by a loading area and a brick attachment the adjacent property known as 25 Chenango Street (aka “One Press Court” aka “The Kelly Building”). An overhead walkway exists between the subject property and the adjacent structure to the south, 19 Chenango Street (aka “The Press Building”).

The subject property is located within the C-2, Downtown Business District. Land use in the vicinity is a mix of commercial, cultural, religious and governmental buildings. The majority of area buildings are multi-story structures.

E. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

83 Court Street: In October of 2008, the Planning Commission approved a Series A Site Plan / Special Use Permit to Stellar 6001, LLC for a 2nd-5th floor multi-unit residential (200 total BRs, mixture of lofts, 1 BR and 2BR units) and Basement/1st Floor retail development in the C-2 District.

15-17 Chenango Street, 1 Commercial Alley, 83-85 & 87 Court Street: The Planning Commission approved a Series A Site Plan Review application submitted by Satra Realty in January of 2001 for the conversion of the second, third, fourth, and fifth floors of an existing building to apartments for students (45 One Bedroom, 2 Two-Bedroom), with 1st floor reserved for commercial uses.

25 Chenango Street: In January, 2009, QJ, LLC was granted Series A Site Plan/SUP approval for a mixed use, multi-unit residential and commercial development in the C-2 District.

42 Chenango Street: In 1989, the First Presbyterian Church was granted a use variance to construct a memorial garden and columbarium in a C-2, Downtown Business district.

62-68 Chenango Street: The Planning Commission granted a Special Use Permit to the ACC Corp. in 1988 for the installation of an eight-foot parabolic antenna.

F. ENVIRONMENTAL IMPACT

SEQR EAF Part 2 - Impact Assessment. The Lead Agency (Planning Commission) is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the Planning Commission. When answering the questions the Planning Commission should be guided by the concept “Have our responses been reasonable considering the scale and context of the proposed action?”

	NO, OR SMALL IMPACT MAY OCCUR	MODERATE TO LARGE IMPACT MAY OCCUR

Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	X	
Will the proposed action result in a change in the use or intensity of use of land?	X	
Will the proposed action impair the character or quality of the existing community?	X	
Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	X	
Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	X	
Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	X	
Will the proposed action impact existing: A. public / private water supplies? B. public / private wastewater treatment utilities?	X	
Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	X	
Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	X	
Will the proposed action result in an increase in the potential for erosion, flooding or drainage Problems?	X	
Will the proposed action create a hazard to environmental resources or human health?	X	

EAF Part 3 - Determination of significance. For every question in Part 2 that answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- If the Planning Commission determines that the proposed action may result in one or more potentially large or significant adverse impacts an environmental impact statement is required.

The Planning Commission may issue a Negative Declaration if it is determined that the proposed action will not result in any significant adverse environmental impacts.

G. STAFF FINDINGS

Planning Staff has the following findings:

1. The Planning Commission must determine if the requirements of Section 410-47 for Standards for Approval of Site Plans and the general requirements as set forth in Section 410-40 for a Special Use Permit have been met.

H. SUGGESTED CONDITIONS

If the Planning Commission approves this project, Staff recommends that the following conditions of approval be included:

1. **That all loading activities (commercial and residential) shall occur via the western, Commercial Alley frontage.**
2. **That bicycle parking racks (to accommodate no fewer than 4 bicycles) shall be installed within the Chenango Street right-of-way.**

I. ENCLOSURES

Enclosed are copies of the site plan, floor plan, application and site photos.